

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**SECURITYPROFILING, LLC,**

**Plaintiff,**

**v.**

**TREND MICRO INC.,**

**Defendant.**

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**CIVIL NO. W-21-CV-01105-ADA-DTG**

**REPORT AND RECOMMENDATION OF  
THE UNITED STATES MAGISTRATE JUDGE**

**TO: THE HONORABLE ALAN D ALBRIGHT,  
UNITED STATES DISTRICT JUDGE**

This Report and Recommendation is submitted to the Court pursuant to 28 U.S.C. § 636(b)(1)(C), Fed. R. Civ. P. 72(b), and Rules 1(f) and 4(b) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Local Rules for the Assignment of Duties to United States Magistrate Judges. Before the Court is the parties' Agreed Motion to Dismiss with Prejudice (ECF No. 33) For the following reasons, the Court **RECOMMENDS** Defendant's Motion be **GRANTED**.

On this day, Plaintiff SecurityProfiling, LLC ("Company") and Defendant Trend Micro, Inc. ("Trend"), announced to the Court that they have settled their respective claims for relief asserted in this case. The Court, having considered this request, is of the opinion that their request for dismissal should be GRANTED. IT IS THEREFORE ORDERED that the above-entitled cause and all claims against Trend by Company and against Company by Trend herein are dismissed, with prejudice to the re-filing of same. IT IS FURTHER ORDERED that all at-

torneys' fees, costs of court and expenses shall be borne by each party incurring the same. This is a final judgment.

## **V. OBJECTIONS**

The parties may wish to file objections to this Report and Recommendation. Parties filing objections must specifically identify those findings or recommendations to which they object. The District Court need not consider frivolous, conclusive, or general objections. *See Battle v. U.S. Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987).

A party's failure to file written objections to the proposed findings and recommendations contained in this Report within fourteen (14) days after the party is served with a copy of the Report shall bar that party from de novo review by the District Court of the proposed findings and recommendations in the Report. *See* 28 U.S.C. § 636(b)(1)(C); *Thomas v Arn*, 474 U.S. 140, 150–53 (1985); *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (en banc). Except upon grounds of plain error, failing to object shall further bar the party from appellate review of unobjected-to proposed factual findings and legal conclusions accepted by the District Court. *See* 28 U.S.C. § 636(b)(1)(C); *Thomas*, 474 U.S. at 150–53; *Douglass*, 79 F.3d at 1415.

Dated: January 17, 2023.

  
DEREK T. GILLILAND  
UNITED STATES MAGISTRATE JUDGE